#### IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

MICHAEL KULAKOWSK	Ί, )	
Plaintiff,	))	
vs.	) )CASE NO. )3:16-CV-025	10
WESTROCK SERVICES	) , INC.,	)
Defendant.	)	

DEPOSITION OF

TRACYE BRYANT

Taken on Behalf of the Defendant

November 9, 2017

Commencing at 10:10 a.m.

Reported by: Jerri L. Porter, RPR, CRR Tennessee LCR No. 335

Expires: 6/30/2018

P. APPEARANCES:	Page 2 1 The deposition of TRACYE BRYANT was	Pag
2 For the Plaintiff:	·	
B HEATHER MOORE COLLINS	2 taken on behalf of the Defendant on November 9,	
Collins & Hunter	3 2017, in the offices of Bone, McAllester & Norton,	
7000 Executive Center Drive	4 131 Saundersville Road, Suite 130, Hendersonville,	
Building 2, Suite 320	5 Tennessee, for all purposes under the Federal Rules	
Brentwood, Tennessee 37027	6 of Civil Procedure.	
(615) 724-1996	7 The formalities as to notice, caption,	
heather@collinshunter.com		
For the Defendant:	8 certificate, et cetera, are waived. All objections,	
)	9 except as to the form of the questions, are reserved	
MARY DOHNER SMITH	10 to the hearing.	
Constangy, Brooks, Smith & Prophete	11 It is agreed that Jerri L. Porter,	
1010 SunTrust Plaza	12 being a Notary Public and Court Reporter for the	
0 401 Commerce Street		
Nashville, Tennessee 37219	13 State of Tennessee, may swear the witness, and that	
1 (615) 320-5200	14 the reading and signing of the completed deposition	
mdohner@constangy.com	15 by the witness are waived.	
2 3	16	
3 4	17	
5		
6	18	
7	19	
8	20	
9	21 ***	
0	22	
1		
2	23	
3 4	24	
25	25	
	Page 3	Paç
1 INDEX	1 TRACYE BRYANT	
2 INDEX OF EXAMINATIONS	2 was called as a witness, and after having been first	
3 Page	3 duly swom, testified as follows:	
4 Examination By Ms. Dohner Smith5	4 EXAMINATION	
5 Examination By Ms. Collins79	5 BY MS. DOHNER SMITH:	
·		
6 Examination By Ms. Dohner Smith81	6 Q Ms. Bryant. We just met a minute ago. My	
7	7 name is Mary Dohner Smith. I'm one of the attorneys	
8 INDEX OF EXHIBITS	8 who represents WestRock in the lawsuit that has been	
9 NO EXHIBITS MARKED	9 filed against the company by Mr. Michael Kulakowski.	
0		
	10 We're here today because Mr. Kulakowski has	
1	11 identified you as a potential witness in his lawsuit	
2	12 against the company.	
3	Have you ever given a deposition before?	
4	14 A No, I don't think I have.	
5	15 Q Okay. If you had, you'd probably remember.	
6	16 A Probably.	
7	17 Q Okay. Well, the oath that you've just been	
8	18 given by Jerri, our court reporter, is the same oath	
	19 you would give if you were in a court of law,	
9	20 difficulties in front of a judge and a firm. Consequent	
9	20 sitting in front of a judge and a jury. So you're	
9 20 21	21 required to testify to the same truthfulness and	
9 20 21		
9 0 21 22	<ul><li>21 required to testify to the same truthfulness and</li><li>22 accuracy that you would if you were in front of a</li></ul>	
9 20 21 22 23	<ul><li>21 required to testify to the same truthfulness and</li><li>22 accuracy that you would if you were in front of a</li><li>23 judge and a jury. Do you understand that?</li></ul>	
9 20 21 22 23 24	<ul><li>21 required to testify to the same truthfulness and</li><li>22 accuracy that you would if you were in front of a</li></ul>	

Page 30 Page 32 So, I don't want to say I didn't believe 1 A No, huh-uh. 2 Q 2 Michael, because I've never had a reason not to Okay. Have you ever personally observed any 3 interactions between Mr. Kulakowski and Mr. Tommy 3 believe him. It just seemed hard to believe, so I 4 Whited? 4 called Michael White and I asked him if those things 5 were happening, some of the things that Michael had 5 A No. 6 said to me, and he said, yes, that they were. 6 Q Is it fair to say, then, that everything 7 Q What things did you specifically ask 7 that you know about Mr. Kulakowski's treatment by 8 Mr. White about? 8 Mr. Whited is based upon what Mr. Kulakowski has 9 A Was he hitting Michael, was he grabbing his 9 told you? 10 testicles and kicking him in the nuts, things like 10 A That, and then when I confirmed that one 11 that. I don't recall exactly what things I asked 11 time with Michael White. 12 because it was a long time ago. 12 Q Okay. But sitting here today, you can't Okay. Five years ago? 13 really recall any specific details about your I do not recall how far - how long ago it 14 conversation with Mr. Michael White, other than you 14 A 15 was. 15 asked if that was going on? 16 Q Is there anything that would help you recall I don't know the specific questions that I 17 when you made the call to Michael? 17 asked him because that was so long ago; I didn't 18 A 18 know that it was going to be important. All I was 19 Q Okay. The change in your relationship, when 19 really doing then was confirming what Michael was 20 it started to, I think, decline romantically, was 20 telling me. Why I felt the need to do that is just 21 that before or after Mr. Kulakowski started coming 21 because I could not imagine somebody treating 22 another person that way. And he told me that, you 22 home and talking about the things with Tommy Whited? You know, I don't know exactly what 23 know, he was. 24 24 direction you're going to with all that. There's But I do know that from that conversation 25 been a lot going on, not just the stuff with him and 25 that it got worse. The abuse seemed worse, because Page 31 Page 33 1 Michael would come in and there would be - if I 1 with work. But I had two sick patients. I had a 2 father dying. He died, and then I - and I dealt 2 happened to walk in -- if I would walk in at night 3 with that. And then my mother, right after that, 3 and he was in the shower and I would walk in to tell 4 got sick, and I dealt with that. So, there was a 4 him I was just there, I was home, so he wouldn't be 5 lot going on. 5 scared when he walked out, because he could be 6 easily startled, and there would be a big bruise on I don't know about you, but - maybe it was 7 my sexual desire that left, and I wasn't interested. 7 his leg. I'd say, where did you get that bruise? 8 So maybe - you know, I don't mean to be putting all 8 Well, Tommy Whited. 9 of that off on Michael. I was consumed with lots of Then there was one time - that was several 10 times I would notice a bruise. Then there was one 10 stuff going on myself. Okay. I want to be respectful of - and not 11 time when he -- his testicles were swollen and he 11 Q 12 be obtrusive, so I'm going to ask a very limited 12 said, would you look at this, I don't think that 13 question about that. Again, I really don't mean to 13 this is normal. I looked, and I said, how did that 14 offend you or pry. 14 happen? He told me that Tommy had kicked him, and 15 When did your parents start getting sick? 15 did I think he should go to the doctor. 16 Do you have a time period or a year? 16 Then there were times when he would be Not without a calendar and looking at it, I 17 A 17 bleeding in his urine. He would say this is what 18 don't. My mother has been dead five years. My 18 happened today after Tommy Whited kicked me, I 19 started bleeding. 19 daddy's been dead ten years. 20 20 Q Okay. All right. That's all I'm going to Then there was a time he came home early 21 ask about that. 21 from work and -- because Tommy Whited had hit him in 22 A 22 the parking lot with the truck. Thank you. 23 Q Anyone other than Michael White at WestRock I mean, it just goes on and on. It was sad 24 that you've talked about Mr. Kulakowski's situation 24 that Michael still wanted to please that man. He 25 with? 25 wanted to - he wanted Tommy Whited to acknowledge

	Page 34	Page 36
1 the work he was doing, and that he was doing a good	1 Q What do you mean by several? I think that	
2 job there.	2 means different things to different people.	
3 We talked about him quitting work and	3 A I would see different bruises on his legs	
4 looking for – not quitting, but looking for a	4 or – I don't know how to answer any differently.	
5 different job. Michael liked the work that he was	5 Q I mean, five, ten, fifteen? What kind of –	
6 doing there, and he liked some of the people there.	6 what is your –	
7 He just wanted to be treated differently. He wanted	7 (Overlapping speech.)	
8 to be appreciated.	8 A Specifically I remember two or three bruises	
9 Q Have you ever communicated with Mr. Whited	9 on the legs, and then the testicles being swollen.	
10 directly, either by phone or in person?	10 Q Okay. And then the bruise on his cheek as	
11 A Other than the one time I told you about?	11 well?	
12 Q Whited. I'm sorry.	12 A Yes.	
13 A Oh, Tommy Whited? I've never talked to	13 Q Do you recall when the bruise on his cheek	
14 Tommy Whited. I don't even know that I would know	14 was?	
15 him if he walked in the office.	15 A No, ma'am, I don't recall the dates or the	
16 Q I believe you indicated that your current	16 times or what year it was.	
17 relationship with Mr. Kulakowski is – I think the	17 Q Okay. What about the swollen testicles? Do	
18 word you said, roommates.	18 you recall –	
19 A Sometimes that's what it feels like. I care	19 (Overlapping speech.)	
20 about Michael and I want our relationship to get	20 A I don't remember that either.	
21 back to what it was. I would like for him to be	21 Q Okay. Any other specific instances or times	
22 able to get past this and move on and be the man he	22 you recall seeing any sort of injuries?	
23 was, but I don't know.	23 A Not that I can recall at this moment. I'm	
24 Q Okay. You mentioned to me a couple of	24 not saying there aren't any more. At this moment,	
25 things that you observed with respect to	25 to think about all of them, I can't.	
	Page 35	Page 3
1 Mr. Kulakowski that he said Mr. Whited did to him.	1 Q Okay. Do you have any notes or anything	
2 You talked about a time where you came home, he was	2 that you took that would help you remember?	
3 in the shower, and there was a bruise.	3 A About?	
4 Do you recall when that was?	4 Q Any other injuries –	
5 A I don't recall the dates, no.	5 A About the abuse? No.	
6 Q Do you know how many years ago it would have	6 Q Let's talk about what Mr. Kulakowski told	
7 been?	7 you was going on at work. Do you recall when he	
8 A I do not, no. I had no idea I was going to	8 first started coming home and saying Tommy Whited is	
9 need to remember dates or be writing down dates.	9 doing these things?	
10 Q Is there anything that would help you to	10 A I don't recall exactly how long it's been or	
11 remember when that was?	11 the date. When you're working and taking care of	
12 A No.	12 kids and grandkids and responsibilities and sick	
13 Q Okay. Do you recall where the bruise was on	13 parents and sick neighbors, you're living life. So	
14 his leg?	14 I don't recall dates	
15 A There were several. I remember one being on	15 Q Okay.	
16 his right – left leg.	16 A – or when he started coming home – it	
17 Q On the thigh area, front thigh, back thigh?	17 seems like it's been forever.	
18 A It was on the side of his – I've seen	18 Q What do you remember the first thing him	
19 several bruises. I just remember that being a	19 kind of coming home and reporting to you?	
,	20 A That he had kicked him in his private area.	
20 really bad bruise.		
•	21 Q Okay Did he give you any specifics about	
21 Q Okay. Any other specific bruises that you	21 Q Okay. Did he give you any specifics about	
21 Q Okay. Any other specific bruises that you 22 recall seeing?	22 what happened?	
21 Q Okay. Any other specific bruises that you 22 recall seeing? 23 A Like I said, I've seen several bruises.	<ul><li>22 what happened?</li><li>23 A I remember him – one of the things he</li></ul>	
22 recall seeing?	22 what happened?	

NULANUWSKI VS WESTRUCK SERVICES		
Page 42	1 cell into a number then it will go it will and	Page 44
1 Q Tell me about that. Who did he say he's 2 reported these to?	1 call into a number, then it will go – it will end	
· ·	2 up going straight back to Tommy, and I don't want to	
3 A He reported – I know he – he started out	3 be fired. He's already said that he would fire	
4 talking to people – his co-workers about it. I	4 anybody that reported him.	
5 don't know which ones, because I don't know all	5 So we were always back and forth about what	
6 their names. You've got to remember, I was pretty	6 he should do or how he should be handling it.	
7 disgusted and fed up with all of these people.	7 Q Do you recall when that conversation was	
8 And he told them. And he told me - Michael	8 when you asked him who's over the plant, who's	
9 would say, well, I've talked to such-and-such about	9 outside of the plant?	
10 it, and, you know, he's my manager or he's my	10 A I don't recall when that conversation was,	
11 supervisor.	11 no. But he didn't feel safe doing that.	
12 I can remember one time saying to him, well,	12 Q Okay.	
13 maybe you should sit down and talk to Tommy and just	13 A He didn't feel safe going outside. I don't	
14 tell Tommy, you wish he wouldn't treat you that way	14 even know that I would feel safe, picking up a phone	
15 and to stop. And then I remember coming home one	15 and calling somebody on a phone and reporting	
16 afternoon and Michael said he had addressed Tommy	16 something.	
17 and asked Tommy to stop, that he would appreciate it	17 Q But he indicated that there was a hotline?	
18 if he didn't do that anymore. So then it continued.	18 A Somebody gave him a number that he could	
19 It was like that almost made it worse.	19 call, but he did not feel comfortable calling that	
20 None of his supervisors or people he felt	20 number.	
21 like he could go to – he said one time, one guy	21 Q Can you estimate when I mean, was this	
22 that he mentioned it to said, well, as long as you	22 five years ago?	
	1	
23 work here, that's just the way it's going to be.		
24 But I don't remember who it was that told him that.	24 Q Three years ago?	
And then another guy he mentioned it to	25 A I cannot.	
Page 43		Page 45
		i age +3
1 said, I wish - I just wish he wouldn't do it so	1 Q Was it after any specific incident?	1 age 43
1 said, I wish – I just wish he wouldn't do it so 2 hard, kick you so hard.	2 A I have no idea. But you have to understand,	r age 40
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Page	e 46	Page 4
1 A Yes.	1 had gone to go see my girlfriend in Chattanooga, and	5
2 Q Okay. When did he start telling you that?	2 he got a call there that something had been said	
3 A I don't recall a specific date that he felt	3 something that had been reported about Tommy Whited,	
4 like it was sexual harassment.	4 so that when he got back, he needed to be aware that	
5 Q Has it been years ago or recently?	5 this had been done and they had reported the abuse	
6 A I don't recall exactly.	6 he was doing to Michael, along with some other	
7 Q Do you know if it's before or after he filed	7 things.	
8 his lawsuit?	8 So, Michael worried about that then the	
9 A Oh, it was before.	9 entire – it was just two or three days that we were	
10 Q Okay. Do you know if it was before or after	10 down there, and he was consumed with it then, afraid	
11 he sought out legal advice?	11 he was going to lose his job, that he would think	
12 A You're talking about the abuse?	12 that it was him that reported it.	
13 Q Where he thought what was happening to him	13 So, he went to work, and evidently people	
14 amounted to sexual harassment.	14 started coming in and asking people questions and	
15 A Well, I even think – I'm the one that said	15 sitting down with people one on one and talking to	
·	16 them about different things that were going on in	
16 to Michael that that's considered sexual harassment		
17 in the workplace.	17 the plant.	
18 Q Okay. But you don't recall when you would	18 Q Did Mr. Kulakowski tell you that he provided	
19 have –	19 a statement during that investigation?	
20 A No, not really.	20 A I believe he did.	
21 Q Did Mr. Kulakowski ever indicate to you that	21 Q Did he tell you what anything about the	
22 he had called outside of the plant, up to the	22 details of –	
23 corporate office or anything like that, to report	23 A No.	
24 Mr. Whited?	24 Q Okay. Have you observed any, I guess,	
25 A No.	25 symptoms of what you would consider emotional	
Page		Page 4
1 Q Okay.	1 distress with respect to Mr. Kulakowski?	
2 A Not to my memory.	2 A Absolutely.	
3 Q Do you know whether or not Mr. Whited still	3 MS. COLLINS: Objection to form.	
4 works at WestRock?	4 BY MS. DOHNER SMITH:	
5 A According to Michael, Tommy Whited does not	5 Q What have you observed?	
6 work there anymore.	6 A Emotionally?	
7 Q Okay. Since Mr. Whited has left WestRock,	7 Q Yes, ma'am.	
8 has Mr. Kulakowski reported any other incidents of	8 A He just that's part of what I talked	
9 abuse or inappropriate conduct?	9 about his personality being different. He's	
10 A From people working there now?	10 emotionally – it seems like that it's – I'm	
11 Q Yes.	11 looking for the words to say. He seems – he's	
12 A No.	12 worried, fearful. He isolates himself.	
13 Q Okay. Did Mr. Kulakowski discuss with you	13 Q So you said his personality is different and	
14 any sort of investigation that was taking place by	14 that he seems worried and fearful and isolates	
15 folks outside of the plant?	15 himself. Anything else that you've witnessed?	
16 A He talked about somebody coming in to	16 A He just – he's been broken. Seems like	
• •	17 he's lost self-esteem, self-confidence, that he's	
17 interview people about things that had went on in		
18 the plant.	18 he seems less than a man. I know he — he even says	
19 Q Okay. Did he – tell me what he told you	19 he feels that way, and I can sense he feels that way	
20 about that.	20 because of his self-confidence and self-esteem and	
	21 self-worth.	
22 guess somebody had reported something on Tommy.	22 Q All right. Anything else that you've	
<ul><li>22 guess somebody had reported something on Tommy.</li><li>23 Somebody finally made a report about the things he</li></ul>	23 observed?	
<ul> <li>21 A He said that after this had come out – I</li> <li>22 guess somebody had reported something on Tommy.</li> <li>23 Somebody finally made a report about the things he</li> <li>24 was doing.</li> <li>25 We were on vacation, and he got a call – we</li> </ul>		

Page :		Page 60
1 things going on, so	1 A That, and Tommy would still be there if	
2 Q What's going on?	2 somebody had not reported what was going on. So	
3 A No. Just different things that –	3 then it became – he started worrying about that.	
4 lifestyle, what you're doing. My daughter got	4 Well, who reported it and why did he get let go, and	
5 married and –	5 is it because of me and is he going to come back on	
6 Q Congratulations.	6 me.	
7 A – you know, people have their own Sunday	7 So, it just changed. It wasn't he was	
8 things that they want to do. So we're not doing as	8 getting abused anymore, physically, but he was	
9 much.	9 worried now about something different. It was	
10 Q Okay.	10 another worry.	
11 A It's limited now. Instead of every Sunday,	11 Q Okay.	
12 you might do it one Sunday a month.	12 A Or another concern.	
13 Q Okay. Any other way in which	13 Q What types of things did you used to do?	
14 Mr. Kulakowski – you've observed Mr. Kulakowski	14 How often would you used to go out?	
15 isolate himself?	15 A Well, maybe to the movies on the weekend or	
16 A Well, we just – we don't do things. You	16 out to eat supper. He would go grocery shopping	
17 know, there's not anything we do together anymore	17 with me. He stopped doing that. If I went over to	
18 because he just doesn't want to get out and go do	18 my son's house to eat supper, he just kind of	
19 it.	19 stopped going.	
20 Q Has he said why he doesn't want to go out	20 Q Okay. Any other way in which you've seen	
21 and do things?	21 that he has isolated himself?	
22 A Just doesn't feel – whether it's – no.	22 A Just not interacting like he used to. If I	
23 Just that he just - I think once he got into the	23 had to go to a funeral home or to a wedding, he	
24 routine of doing what he's doing, he just he's	24 wouldn't go.	
25 got to work hisself back into doing it. I'm hoping	25 Q Have there been weddings or funerals that he	
Page :	59	Page 61
1 that will get better when he can get past all this.	1 hasn't –	
2 Q Is he afraid to go out because he thinks	2 A Yes.	
3 Tommy might be somewhere or –	3 Q - gone to?	
4 (Overlapping speech.)	4 How many?	
5 A There's times he has said that.	5 A Several.	
6 Q Okay. How often – I guess when did he stop	6 Q Okay. Did he go to your daughter's wedding?	
7 wanting to go out?	7 A Yes, he did.	
8 A That's been a while. I mean, he just didn't	8 Q Good.	
9 feel like going and doing. Whether it was the	9 A He was an usher. He didn't have much of a	
10 depression, maybe that had a lot to do with it. But	10 choice.	
11 it was like Michael would get up and go to work, and	11 Q He had to, huh?	
12 then he'd leave the house around 3:30, 4:00 in the	Him not going to weddings and funerals, was	
13 morning, go to work, and then get home 4:00 or	13 that before or after Mr. Whited was let go?	
14 5:00 in the afternoon, and eat supper and take a	14 A It was after – no, it was before he got let	
15 shower. I mean, I wouldn't usually be there that	15 go. After all of the abuse started happening.	
16 early. But that was his routine of the things he	16 Q Is that something that's getting better,	
17 did. It was like he was surviving. Not enjoying	17 he'll go to those kinds of functions with you now?	
18 life, but just surviving.	18 A That hadn't happened – he hasn't been to	
19 Q So has that changed since Mr. Whited left	19 any funerals, but there hasn't been a wedding.	
20 WestRock?	20 Q Other than the daughter's, okay.	
04 A 14/11/14 1/4/15 11 4 19/1	21 Any other ways that you've seen him isolate	
21 A Well, I thought that it would get a little		
<ul><li>21 A Well, I thought that it would get a little</li><li>22 better, but I think the worry then turned to</li></ul>	22 himself?	
· · · · · · · · · · · · · · · · · · ·	<ul><li>22 himself?</li><li>23 A He stopped fishing as much. He loves to</li></ul>	
22 better, but I think the worry then turned to		